UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
MILIA, MARK R

ART UNIT	PAPER NUMBER
2625	

NOTIFICATION DATE	DELIVERY MODE
04/07/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 March 2009*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9,11,14,16 and 17* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9 and 16* is/are rejected.

7)☒ Claim(s) *11,14 and 17* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant's amendment was received on 3/18/09 and has been entered and made of record. Currently, claims 1-9, 11, 14, and 16-17 are pending.

Claim Objections

2.   Claim 16 is objected to because of the following informalities: Claim 16 is identical to claim 7 and should therefore be cancelled. Appropriate correction is required.

Response to Arguments

3.   Upon further review of the applied prior art references, specifically Moriya (JP 2002-199151) the objection to claims 10, 13, and 16, as set forth in the previous Office Action, is withdrawn and the examiner believes that Moriya discloses "first groups are set so that at least one of the first groups includes plural types of transmitting terminals, fifth parameters are allocated to the first groups, respectively, and the parameter deciding unit decides the first parameter from the fifth parameters allocated to the respective first groups according to the discriminated type of the transmitting terminal",

as now recited in claims 1 and 4. Specifically, Moriya discloses two terms, "kind" and

"kind name" that refer to classification. Particularly, a "kind" of picture input device

means a classification of picture input devices, such as a personal computer, digital

camera, scanner, and image generating device and a "kind name" of a picture input

device means the kind name in a kind of each image processing device, for example, a

LCD panel of a cellular phone may differ in display properties depending on the model

(paragraphs 14-16). Moriya further discloses that information, such as "kind" and "kind

name" can be utilized by the information acquisition section **120** to determine the type of

input device (paragraphs 38-40). Therefore, the Finality of the rejection is withdrawn

and a new ground of rejection will be made.

Claim Rejections - 35 USC § 103

4.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

5.   Claims 1-9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Moriya (JP 2002-199151), as cited in the IDS dated 8/8/06, (reference will be made

to a machine translation which has been furnished with a previous Office Action) in view

of DeSalvo (US 2003/0208546).

Regarding claim 1, Moriya discloses an image-attached mail transiting apparatus

for performing predetermined image processing for an image according to a type of a

transmitting terminal with a camera, which transmits an E-mail to which the image is

attached, comprising: a type discriminating unit that discriminates the type of the

transmitting terminal, which transmits the E-mail to be received by the image-attached

mail transiting apparatus (see paragraphs 2, 7-8, 14-16, 34, 38, and 45, an input device

information acquisition section **120** which is part of server **100** that determines the type

of input device (transmitting terminal), the information being added to the file format of

the image data), a parameter deciding unit that decides a first parameter indicating what

processing should be performed for the attached image of the E-mail according to the

type of the transmitting terminal (see paragraphs 34, 36-40, and 44-46), and an image

processing unit that performs predetermined image processing based on the first

parameter for the attached image (see paragraphs 34, 36-40, and 44-46), wherein the

image processed by the image processing unit is substituted for the attached image of

the E-mail, and then the altered E-mail, to which the substituted image is attached, is

transmitted to a receiving terminal (see paragraphs 44 and 56, data of a picture photoed

with a digital camera with which the portable mail terminal **20A** was equipped is

processed, such as changing the image size, color correction, sharpness, etc. and then

sent to server **100** for storage and then the data is sent from the server **100** to an output

device, depending on the characteristics of the output device the image data is

processed again to be suitable for display or printing at the output device), and first

groups are set so that at least one of the first groups includes plural types of

transmitting terminals, fifth parameters are allocated to the first groups, respectively,

and the parameter deciding unit decides the first parameter from the fifth parameters

allocated to the respective first groups according to the discriminated type of the

transmitting terminal (see paragraphs 14-16 and 38-40, reference discloses two terms, "kind" and "kind name" that refer to classification; particularly, a "kind" of picture input device means a classification of picture input devices, such as a personal computer, digital camera, scanner, and image generating device and a "kind name" of a picture input device means the kind name in a kind of each image processing device, for example, a LCD panel of a cellular phone may differ in display properties depending on the model and further discloses that information, such as "kind" and "kind name" can be utilized by the information acquisition section **120** to determine the type of input device).

Moriya does not disclose expressly discriminating based on a header of the E-mail the type of transmitting terminal.

DeSalvo discloses discriminating based on a header of the E-mail the type of transmitting terminal (see paragraphs 26 and 28, reference shows that an e-mail header is analyzed to determine if an attachment is present and if there is an attachment determines the type of attachment) and an image processed by the image processing unit is substituted for the attached image of the E-mail, and then an altered E-mail, to which the substituted image is attached, is transmitted to a receiving terminal (see paragraph 34, the attachment processing module **240** will determine whether the destination address is another wireless device capable of processing the converted attachment and will transmit the converted attachment, rather than the original attachment that was transmitted to the service **100**).

Regarding claims 4, 7, and 16, Moriya discloses an image-attached mail transiting method and program for performing predetermined image processing for an

image according to a type of a transmitting terminal with a camera, which transmits an

E-mail to which the image is attached, comprising: a first type discriminating step of

discriminating the type of the transmitting terminal, which transmits the E-mail (see

paragraphs 2, 7-8, 14-16, 34, 38, and 45, an input device information acquisition section

120 which is part of server **100** that determines the type of input device (transmitting

terminal), the information being added to the file format of the image data), a first

parameter deciding step of deciding a first parameter indicating what processing should

be performed for an attached image of the E-mail according to the type of the

transmitting terminal (see paragraphs 34, 36-40, and 44-46), a first image processing

step of performing predetermined image processing based on the first parameter for the

attached image (see paragraphs 34, 36-40, and 44-46), an image substituting step of

substituting an image processed in the first image processing step for the attached

image of the E-mail (see paragraphs 44 and 48), and a mail transmitting step of

transmitting an altered E-mail, to which a substituted image is attached, to a receiving

terminal (see paragraphs 44 and 56, data of a picture photoed with a digital camera with

which the portable mail terminal **20A** was equipped is processed, such as changing the

image size, color correction, sharpness, etc. and then sent to server **100** for storage and

then the data is sent from the server **100** to an output device, depending on the

characteristics of the output device the image data is processed again to be suitable for

display or printing at the output device), and setting first groups so that at least one of

the first groups includes plural types of transmitting terminals; and allocating fifth

parameters to the first groups, respectively, wherein the first parameter is decided from

the fifth parameters allocated to the respective first groups, according to the

discriminated type of the transmitting terminal (see paragraphs 14-16 and 38-40,

reference discloses two terms, "kind" and "kind name" that refer to classification;

particularly, a "kind" of picture input device means a classification of picture input

devices, such as a personal computer, digital camera, scanner, and image generating

device and a "kind name" of a picture input device means the kind name in a kind of

each image processing device, for example, a LCD panel of a cellular phone may differ

in display properties depending on the model and further discloses that information,

such as "kind" and "kind name" can be utilized by the information acquisition section

120 to determine the type of input device).

Moriya does not disclose expressly discriminating based on a header of the E-

mail the type of transmitting terminal.

DeSalvo discloses discriminating based on a header of the E-mail the type of

transmitting terminal (see paragraphs 26 and 28, reference shows that an e-mail header

is analyzed to determine if an attachment is present and if there is an attachment

determines the type of attachment) and an image processed by the image processing

unit is substituted for the attached image of the E-mail, and then an altered E-mail, to

which the substituted image is attached, is transmitted to a receiving terminal (see

paragraph 34, the attachment processing module **240** will determine whether the

destination address is another wireless device capable of processing the converted

attachment and will transmit the converted attachment, rather than the original

attachment that was transmitted to the service **100**).

Moriya & DeSalvo are combinable because they are from the same field of endeavor, image processing based on input/output devices.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the analyzing of an e-mail header to determine the type of attached file, as described by DeSalvo, with the system of Moriya. Moriya discloses an input device information acquisition section **120** which is part of server **100** that determines the type of input device (transmitting terminal), the information being added to the file format of the image data (paragraphs 38 and 45). Storing information within e-mail headers, such as sender information, is well known in the art and therefore it would have been obvious to analyze an e-mail header to determine the type of transmitting terminal, based on the disclosures of Moriya and DeSalvo.

The suggestion/motivation for doing so would have been to efficiently and intelligently obtain image information as it relates to a transmission terminal to increase overall system speed.

Therefore, it would have been obvious to combine DeSalvo with Moriya to obtain the invention as specified in claims 1, 4, 7, and 16.

Regarding claim 2, Moriya further discloses wherein the type discriminating unit discriminates the type of the receiving terminal having a display (see paragraph 56), the parameter deciding unit decides a second parameter indicating what processing should be performed for the attached image of the E-mail according to the type of the receiving terminal (see paragraphs 50, 54-58, and 61-62), and the image processing unit

performs predetermined image processing based on the second parameter for the

attached image (see paragraphs 50, 54-58, and 61-62). DeSalvo further discloses

discriminating based on a header of the E-mail the type of receiving terminal (see Fig. 2

and paragraphs 19 and 24).

Regarding claims 3, 6, and 9, Moriya further discloses wherein the type

discriminating unit discriminates the type of the receiving terminal having a display (see

paragraph 56), the parameter deciding unit decides a third parameter indicating what

processing should be performed for the attached image of the E-mail according to the

type of the transmitting terminal and the type of the receiving terminal (see paragraph

68), and the image processing unit performs predetermined image processing based on

the parameter for the attached image (see paragraph 68). DeSalvo further discloses

discriminating based on a header of the E-mail the type of receiving terminal (see Fig. 2

and paragraphs 19 and 24).

Regarding claims 5 and 8, Moriya further discloses a second type discriminating

step of discriminating, based on the header of the E-mail, a type of the receiving

terminal having a display (see paragraph 56), a second parameter deciding step of

deciding a second parameter indicating what processing should be performed for the

attached image of the E-mail according to the type of the receiving terminal (see

paragraph 68), and a second image processing step of performing predetermined

image processing based on the second parameter for the attached image (see

paragraph 68), wherein the image substituting step substitutes an image processed in

the first image processing step and the second image processing step for the attached

image of the E-mail (see paragraphs 44-48). DeSalvo further discloses discriminating

based on a header of the E-mail the type of receiving terminal (see Fig. 2 and

paragraphs 19 and 24).

Allowable Subject Matter

6.   Claims 11, 14, and 17 are objected to as being dependent upon a rejected base

claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

7.   The following is a statement of reasons for the indication of allowable subject

matter:

The prior art of record does not disclose, teach, or suggest the claimed limitations of (in

combination with all other limitations in the claims), wherein: the type discriminating unit

discriminates, based on the header of the E-mail, the type of the receiving terminal

having a display second groups are set so that at least one of the second groups

includes plural types of receiving terminals, fourth parameters are allocated to the

second groups, respectively, the parameter deciding unit decides a third parameter from

among the fourth parameters allocated to the respective second groups, according to

the discriminated type of the receiving terminal, each of the fourth parameters indicates

what processing should be performed for the attached image of the E-mail according to

the allocated second groups, and the image processing unit performs predetermined

image processing based on the decided third parameter for the attached image, as set

forth in claim(s) 11 and 14.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Mark R. Milia whose telephone number is (571)272-

7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Moore can be reached at (571) 272-7437. The fax number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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